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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,237	05/25/2001	Takashi Yamaguchi	KAW-257-USAP	2757

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11/30/2004

EXAMINER	
LE, KHANH H	
ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,237

Applicant(s)

YAMAGUCHI, TAKASHI

Examiner

Khanh H. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/25/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/20/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the original application. Claims 1-15 are pending and examined. Claims 1, 6, and 11 are independent.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 3-4, 8-9, 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 3-4 :” among which a client belonging to said designated group visibly changes the indication thereof” is incomprehensible. It is impossible to know from this claim who the client is (is it the physical receiving client or the icon representing it?), or what the client exactly does. In view of this uncertainty, no art can be applied to this limitation.

Claim 3 :

“ and detailed data of said client is displayed when thus changed indication of client is clicked or touched with a finger” is incomprehensible. If this part of the claim is supported by specific parts of paragraph [0064] of the Specifications at page 14, it is recommended, to clarify the meaning and/or scope of the claim, that it be redrafted using the specific specifications language. Here, “thus changed indication of client” is utterly incomprehensible. No art can thus be applied to this limitation.

Claim 4:

“and said designated state and designation-released state of said client change over therebetween when thus changed indication of client is clicked or touched with a finger “ is incomprehensible. If this part of the claim is supported by the Specifications at paragraph [0065] at page 15, it is recommended, to clarify the meaning and/or scope of the claim, that it be redrafted using the specifications language. No art can thus be applied to this limitation.

Claims 8-9, 13 and 14 contain the same limitations as claims 3 and 4 and are rejected on the same basis.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-2, 5-7, 10-12, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 94/30000, herein Beaumont.**

As to claims 1, 6, 11, Beaumont discloses

1. An advertisement information delivering method using an information providing system in which advertisement information according to text information sent out from an advertisement information delivery center via a public telephone line is received and displayed by an information display provided

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client, said method comprising the steps of (see at least abstract, pages 18 line 9- page 19 line 21 ; Figs. 6-01 to 6-12, and 19 and associated text)

classifying said client as part of various groups (page 19 line 10-32)

and then delivering said advertisement information to only said information display of a client belonging to a group corresponding to a kind of advertisement information to be delivered among a plurality of clients classified into groups (see at least pages 18 line 9- page 19 line 21 ; Figs. 6-01 to 6-12, and 19 and associated text).

Beaumont does not specifically disclose classifying said client under a 1st group corresponding to a trade and a 2nd group corresponding to a region. However it discloses at least classifying per demographics, salary, and per grocery store of choice (page 19 line 10-32). Official Notice is taken that it is well-known to relate salary to the profession or trade of the client, and “grocery store of choice” to the location or geography of the client to further define the client’s demographics for targeting purposes.

Thus it would have been obvious to one skilled in the art at the time the invention was made to substitute to Beaumont’s teaching of classifications into several groups as above indicated, classifications based on trade and regions as claimed, because those are obvious art-equivalents of the ‘salary’ and “grocery store of choice” target criteria taught by Beaumont and can be used to further define the client’s demographics for targeting purposes.

As to claims 5, 10, and 15(dependent on claims 1, 6, and 11 respectively), Beaumont discloses wherein said information display is disposed at a site of said client where the public keeps staying for a while (see at least pages 18 line 9- page 19 line 21: Figs. 6-01 to 6-12, and 19 and associated text: a consumer is a client, and also a member of the public who keeps staying for a while in front of his information display).

~~As to claims 2, 7, 12 (dependent on claims 1, 6, and 11 respectively)~~

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wherein said advertisement information is prohibited from being delivered to a client provided with a delivery prohibiting condition even when said client belongs to said group corresponding to said kind of advertisement information to be delivered (see at least pages 18 line 9- page 19 line 32: the Beaumont operator chooses the target group but the group can be further limited to more specific users (page 19 line 26-32) or when the user further limits his profile (page 19 line 18-26) thus it is interpreted that, in Beaumont, additional prohibitive conditions are imposed on the original target group to limit delivery of certain ads, as claimed).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 703-305-0571. The Examiner works a part-time schedule and can best be reached on Tuesday-Wednesday 9:00-6:00. The examiner can also be reached at the e-mail address: khanh.le2@uspto.gov. (However, Applicants are cautioned that confidentiality of email communications cannot be assured.)

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

November 23, 2004

KHL

KHL


JAMES W. MYHRE
PRIMARY EXAMINER